

REMARKS

Introduction

Claims 1-14 and 17-32 are pending in the present application. Claims 24-29 have been withdrawn.

Claim Rejections -- 35 U.S.C. § 103

Claims 1-4, 7-14, 22, 23, and 30-32 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 2002/0091218 to Ford in view of U.S. Patent No. 5,919,554 to Watterson, et al.

Applicant respectfully traverses this rejection.

The Examiner acknowledges that Ford does not specifically disclose the use of mica in its composition, then proceeds to rely on Watterson to overcome this deficiency. However, the deficiencies of Ford are not limited to its failure to disclose mica. Rather, there is a much more fundamental deficiency of Ford relating to its basic operability. As explained in the previously submitted Pfau Declaration, those skilled in the art have been unsuccessful in their efforts to efficiently produce a commercially viable door skin from Ford. (Pfau Declaration, ¶ 4.) Door skins produced with the Ford composition have been warped door skins with unacceptable waviness, despite the presence of fillers such as talc and calcium carbonate. Pfau Declaration, ¶¶ 5 and 6.

The KSR guidelines issued by the U.S. Patent & Trademark Office require that an obviousness rejection based on the substitution of one known element for another must obtain predictable results. Applicant respectfully submits that this requirement is lacking here. Watterson allegedly discloses that mica and talc are equivalent fillers (column 4,

line 43). If that is true, then it is reasonable to assume that replacing the talc of Ford with the mica of Watterson would produce equivalent results. The “result” of Ford, as viewed by those of ordinary skill in the art, is a composition that is unacceptable for use as a door skin. The artisan of ordinary skill would have had no more expected mica to resolve the warping problems that talc failed to correct. Pfau Declaration, ¶ 8. Absent a reasonable expectation of success, the claimed invention cannot be obvious.

Claims 2-4, 7-14, 22, 23, and 30-32 depend from claim 1, and incorporate all of its distinguishing features. By virtue of their dependency from claim 1, and because the invention with the respective added features of these dependent claims is not taught by the applied art, Applicant respectfully submits that claims 2-4, 7-14, 22, 23, and 30-32 are not rendered unpatentable by Ford or Watterson, taken alone or in combination.

For the above reasons, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claims 1-4, 7-14, 22, 23, and 30-32.

Claims 5 and 6 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ford in view of Watterson, further in view of U.S. Patent No. 6,209,172 to Bradley.

Applicant respectfully traverses this rejection. Claims 5 and 6 depend from claim 1 and incorporate its distinguishing features. As explained above in reference to claim 1, Ford fails to teach the use of mica. Bradley, which has been cited for its disclosure of reinforcing ribs, does not address the non-obviousness of combining Ford and Watterson. Further, Bradley’s meter box doors would presumably have a sufficiently small surface area so as make warping a non-concern.

For these reasons, Applicant respectfully requests reconsideration and withdrawal of the Section 103(a) rejection of claims 5 and 6.

Claims 17-21 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ford in view Watterson, further in view of U.S. Patent No. 6,313,184 to Sasaki et al.

Applicant respectfully traverses this rejection. Claims 17-21 depend from claim 1 and incorporates its distinguishing features. As explained above in reference to claim 1, Ford fails to teach the use of mica. A person of ordinary skill in the art would not have been motivated to combine Ford with Watterson to overcome this deficiency. Sasaki, which has been cited for its disclosure of "limitations on the polypropylene resin," does not overcome the deficiencies of Ford and Watterson.

Claims 17-21 set forth specific ranges of values for the melt flow index, coefficient of thermal expansion, stiffness, impact strength, and toughness of the claimed door skin. The Examiner no longer relies on inherency to support the obviousness rejection. Rather, the Examiner now asserts as follows:

the recited properties may not be inherently present in the prior art; however, given the materials used in the prior art and given the intended use of materials for composite door construction, the recited properties are ones which would have been obviously controlled by one having ordinary skill in the art to provide a composite door having the highest commercial appeal.

Office Action, page 8.

Sasaki and Ford disclose compositions for making different parts of a door. Ford states that its composition is ostensibly suited for a door skin, whereas Sasaki states that its composition serves as an impact absorbent backing. What might be a beneficial property for a foam backing is not necessarily beneficial for the decorative door skin facing. The

Examiner's statement "that [Sasaki's] impact resistance is a property that would be obviously beneficial to a composite door" skin parses one potentially beneficial property for a door skin from other properties that would not be beneficial for a door skin. For example, given the presence of a foaming agent in Sasaki's composition, it is clear that a foam article made according to Sasaki would be too porous for use as a door skin.

Additionally, the Examiner's rejection is premised on a theory as to whether certain claimed properties would have been "obviously controlled by one of ordinary skill in the art." Applicant respectfully submits that "obviously controlled" is not a standard under Section 103(a). Further, simply because properties might have been controlled by a person of ordinary skill does not make the manner in which they are controlled, i.e., to obtain a value falling within a claimed and unexpectedly superior range, obvious.

For these reasons, Applicant respectfully requests reconsideration and withdrawal of the Section 103(a) rejection of claims 17-21.

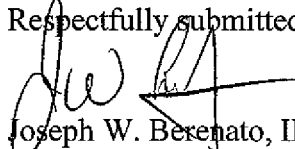
Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

If any further fees are required in connection with the filing of this amendment,
please charge the same to our Deposit Account debit Account 50-0548.

Respectfully submitted,



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